

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT**MANUEL DE JESUS NOVOA BAIRES**CASE NUMBER: 04M-1018-JSD

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 7, 2004, in Suffolk County, in the District of Massachusetts defendant did, (Track Statutory Language of Offense)

knowingly and intentionally and unlawfully import into the United States from a place outside thereof, approximately 2 kilograms of cocaine, a Schedule II controlled substance.

in violation of Title 21 United States Code, Section(s) 952(a) and 960.

I further state that I am a(n) U.S. ICE Special Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of Special Agent Matthew Gilmore

Continued on the attached sheet and made a part hereof:

X Yes ☐ No



Signature of Complainant

MATTHEW GILMORE

Special Agent

U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence,

March 8, 2004

Date

Boston, Massachusetts

City and State

JUDITH G. DEIN
UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT OF SPECIAL AGENT MATTHEW GILMORE

I, Special Agent Matthew Gilmore, depose and state as follows:

1. I am a Special Agent with the United States Immigration and Customs Enforcement ("ICE"). I have been a Special Agent with the ICE, formerly U.S. Customs Service for the past twenty-three months. I have been assigned to the Narcotics Smuggling since December, 2003, and before then I was in the Strategic Investigations group. Since December, 2003, I have been involved in approximately a dozen drug-related investigations involving the illegal smuggling of narcotics, including but not limited to, cocaine, heroin, and marijuana. I have also received training from U.S. Customs at the Federal Law Enforcement Training Center in all aspects of drug smuggling, including the structure, organization, and operation of international drug smuggling groups, the techniques used by such persons to finance and import drugs, and the identification of documents and other records commonly generated by such operations.

2. I submit this affidavit in support of a criminal complaint charging **MANUEL DE JESUS NOVOA BAIRES ("NOVOA")** with illegally importing approximately four pounds (approximately 2,070 grams) of cocaine, a Schedule II controlled substance, into

the customs territory of the United States from a place outside thereof, in violation of 21 U.S.C. §§ 952(a) and 960.

3. The information contained in this Affidavit is based upon facts and circumstances learned by me personally and information related to me by other law enforcement officers involved in the investigation. This affidavit does not set forth all the facts developed during the course of this investigation. Rather, it sets forth only those facts that are necessary and sufficient to establish probable cause to believe that **NOVOA** has committed the crime set forth in the accompanying Criminal Complaint.

4. On Saturday, March 6, 2004, at approximately 10:30 p.m., Taca Flight 586 landed at Logan International Airport in Boston. Flight 586 had originated in El Salvador. **NOVOA** was a passenger on that flight. He was traveling on a passport issued from El Salvador and had flown from San Salvador, El Salvador to Boston, MA.

5. **NOVOA** de-boarded the plane along with the other passengers. After disembarking, **NOVOA** declared that he had agricultural products and was referred to agriculture inspectors. As a routine means of inspection, Agriculture Technicians x-rayed **NOVOA's** luggage, which revealed four blocks of cheese. The x-ray showed inconsistencies within each block, and at that time, the

Agriculture Technician cut into one of the blocks of cheese. Contained in the block of cheese was another, smaller brick. Customs Inspectors then assisted in the investigation. The smaller brick that was cut open revealed a white powdery substance which field tested positive for cocaine.

6. Following the discovery of the first brick of cocaine, Customs Inspectors cut open each of the three remaining blocks of cheese. Each block of cheese contained a smaller brick containing a white, powdery substance. Each brick was field tested and tested positive for cocaine.

7. Following the discovery of cocaine, a Spanish speaking ICE Special Agent advised **NOVOA** of his Miranda rights and **NOVOA** waived his rights in writing. **NOVOA** stated a man named "Nelson," whom he knew in passing from his neighborhood, asked him to assist him in delivering Salvadorian food products to friends in the Boston area. For his services, Nelson promised to pay **NOVOA** \$500, plus his round-trip ticket. Nelson told **NOVOA** he would be met at the airport by a man named "Junior" and his brother. **NOVOA** further stated that he had met these two men, Junior and his brother, in December, 2003, when he had made a previous, similar trip for "Nelson."

8. **NOVOA** further described the first trip he made in December. He stated that Junior and his brother drove him to Providence, Rhode Island, and dropped him off at the residence of a man introduced to him as "Pedro Rivas." For approximately one week, **NOVOA** did not leave the residence except for brief trips to the grocery store.

9. **NOVOA** was told by Nelson that the same would occur on this trip. He stated that Nelson met him at the airport in San Salvador, and gave him one bag, contact information written on a piece of paper and \$500 cash. The contact information included an address of "245 Treamont (sic) Street, Boston, Massachusetts." On the Customs declaration form filled out by **NOVOA**, he indicated that he would be staying at "243 Treamont Street, Boston, MA." Both 245 and 243 Tremont Street are fictitious addresses.

10. The four bricks of cocaine weighed approximately 2,070 grams of cocaine.

11. Based on the information contained in this Affidavit, all of which is true and accurate to the best of my knowledge, information and belief, I believe that there is probable cause to believe that **MANUEL DE JESUS NOVOA BAIRES** has committed violations of 21 U.S.C. § 952(a) and 960.


MATTHEW GILMORE

Special Agent
United States Immigration and
Customs Enforcement

Sworn to and subscribed before me the 8th day of March, 2004.


JUDITH G. DEIN

United States Magistrate Judge

Criminal Case Cover Sheet**U.S. District Court - District of Massachusetts**Place of Offense: _____ Category No. II Investigating Agency U.S. ICECity Boston Related Case Information:County Suffolk Superseding Ind./ Inf. _____ Case No. _____
Same Defendant _____ New Defendant _____
Magistrate Judge Case Number _____
Search Warrant Case Number _____
R 20/R 40 from District of _____**Defendant Information:**Defendant Name Manuel de Jesus Novoa Baires Juvenile ☐ Yes ☒ No

Alias Name _____


Address San Salvador, El SalvadorBirth date: 1937 SS#: n/a Sex: M Race: Hispanic Nationality: El Salvadorian

Defense Counsel if known: _____ Address: _____

Bar Number: _____

U.S. Attorney Information:AUSA Susan M. Poswistilo Bar Number if applicable _____Interpreter: ☒ Yes ☐ No List language and/or dialect: SpanishMatter to be SEALED: ☐ Yes ☒ No☐ Warrant Requested ☐ Regular Process ☒ In Custody**Location Status:**Arrest Date: March 7, 2004☒ Already in Federal Custody as _____ in _____☐ Already in State Custody _____ ☐ Serving Sentence ☐ Awaiting Trial☐ On Pretrial Release: Ordered by _____ on _____Charging Document: ☒ Complaint ☐ Information ☐ IndictmentTotal # of Counts: ☐ Petty _____ ☐ Misdemeanor _____ ☒ Felony 1

Continue on Page 2 for Entry of U.S.C. Citations

☒ I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.Date: 3/8/04Signature of AUSA: 

JS 45 (5/97) - (Revised USAO MA 3/25/02) Page 2 of 2 or Reverse

District Court Case Number (To be filled in by deputy)

Name of Defendant Manuel de Jesus Novoa Baires

U.S.C. Citations

	<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1	<u>21 USC § 8952(a), 960</u>	<u>Importation of a Controlled</u>	<u>1</u>
Set 2			
Set 3			
Set 4			
Set 5			
Set 6			
Set 7			
Set 8			
Set 9			
Set 10			
Set 11			
Set 12			
Set 13			
Set 14			
Set 15			

ADDITIONAL INFORMATION:

District Court Case Number (To be filled in by deputy _____

Name of Defendant **Manuel de Jesus Novoa Baires**

Novoa JS45.wpd - 3/13/02